HASIL CEK_Apriyanto, Dalman, Santoso_Forensic Linguistics; Interrogation; Linguist; Crime; Evidence

by Sigit Apriyanto, Dalman, Dwi Santoso The Urgency Of Forensic Linguistics

The Urgency of Forensic Linguistics in a Police Interrogation Process

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ABSTRACT- *Forensic linguistic experts identify problems through a speech from speakers in the form of language style, forensic phonetics, and dialectology while writing in the form of fingerprints and analysts to express the contents of their writing. Orally, these problems can be found in utterances of hatred, hoaxes, defamation, and honesty of speakers while writing a letter, notes of suicides, and fingerprints. In the forensic linguistic level, it has the scope to examine every problem in the field of law including pragmatics, semantics, discourse analysis, and phonetics. The focus of this paper is to review the urgency of the role of forensic linguists in the process of analysing the results of police interrogation in Indonesia. Data collection in this study uses the literature study method. The data collected were analysed using descriptive analysis method. In this paper, the things related to the role of linguistic forensics will be presented in the process of interrogation, legal language, and forensic linguistic position itself. Finally, the service of an interpreter and found that the points of view of the interpreter, sociolinguistics and interpreting studies can be an excellent source of knowledge in reading this case. Therefore, in interpreting a text it should highlight the construction of the language thoroughly. It is because each type of document has a different structure and context.*

Keywords: Forensic Linguistics; Interrogation; Linguist; Crime; Evidence

I. INTRODUCTION

Language has a fundamental role to seek the truth of law and possibility of biased statements. Language helps the interrogators to stretch out the laws, issue the writs of arrest, suspect's interview, give verification, write contracts, confess, claim, assess the evidence and reject (Leonard, 2017).

False confessions tend to result from ambiguous statements. Personal and situational factors within the interrogation room can cause the suspects to provide ambiguous confessions (Kassin, 2014). Avoiding from the interrogation process so that the suspect can escape the law is one of the personal factors that appear. From situational factors, confrontation interrogation such as giving irrelevant questions is not an effective way of encouraging the suspects to speak and cooperate (Deeb et al., 2018). In solving criminal cases relating to the ambiguities statements is required cooperation from several aspects. Not only from the interrogators but also the role of forensic linguistics is considered necessary. It could be clarified that ambiguities statements are caused by several things including inappropriate interrogation strategy, lie indication, discomfort relationship between interrogator and suspects and so on.

There have not been many forensic linguistic studies. One of a study was written by Syaifullah in Subyantoro (2019) about insults and defamation at the Regional Police Office in Central and East Bandung, Indonesia. In this study, good insults and defamation were excluded that occurred in use taken involving negative associations. Another study was conducted by Faishal (2015) and Saimima (2016) consisting of case studies from reports of alleged acts of humiliation, debate, and defamation. One conclusion obtained proves that the proposed slander is not proven. Yuwono (2004) is also one of the language studies that discuss the use of language using forensic linguistics. She examines the use of speeches which are considered good slanders. In addition, Waskita (2014) also conducted research on linguistic studies of

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telephone conversations about corruption in Indonesian, especially bribery cases. Telephone conversations from two types of bribery were collected as data for this study. Data is analysed semantically, pragmatically, and syntactically. Obtained from the developers using some special codes to communicate. They also used a special method to follow the speech acts of a locus to get illocution to get the per locution effect they got. Based on these studies, research on forensic linguistics is interesting to study as a novelty that can be a scientific reference in interdisciplinary fields in the fields of language and law. This paper also becomes a form that needs to be adhered in relation to the use of language in the community which can indeed be used and should not be used. In addition, this paper is important as a reference for language for legal institutions in deciding the right and wrong as a case. Thus, there is a more detailed review of a particular legal case that is not only based on the stipulation from the side of the association but also from the other side, including in terms of its customs.

II. METHOD

This study is a retrospective, descriptive analysis and based on non-empirical design. To gather information about the scope of the study, the study was conducted in secondary sources of books, articles, journals, electronic sources, and theories.

III. DISCUSSION

A. LANGUAGE AND LAW

Law and language are interdisciplinary and cannot be separated. This relationship emphasizes the fundamental role that language plays in the existence of the law (Anesa, 2013). In other words, there is no law without language, because the role of language is necessary for legal existence, cannot be replaced by other means (Galdia, 2017).

Constable (2014) argues that language is necessary to enforce the law. The success of the performance depends on the possibility of using the language. In language investigations, police officers can issue an order, issued a warrant, question suspects, give testimony, write a confession and contracts, assess evidence and refute it. Investigations of police interrogations often try to understand how gestures and speech emotions are related to confession. The language used by the interrogators and the suspect refers to the method of collecting information and is either true or false (Kassin, Goldstein, & Savitsky, 2003 and MacKeith, 2006).

Likewise, forensic linguists in using linguistic analyses to study or work together on the ambiguity of illegal actions force the interrogators in trying to find a goal for reconciliation (Cotteril, 2002). Linguistic analysis is also used by investigators to make final decisions before making a decision. In the same case, the suspect must disclose clear evidence. When they do not, the evidence is greater.

The point here is a linguistic task related to the production of language analysis to the interrogators. Cotteril (2002) argues that investigators can do this themselves, but in many cases they never thought about it or had the time and skill to do it themselves. More importantly, they do not have a linguistic framework and experience in identifying differences in an unclear dialogue.

B. FORENSIC LINGUISTICS

A field of forensic linguistics has been growing in the recent times. As mentioned above that forensic linguistics refers to the relationship between language and law in all its forms (Zarirruddin, 2016; Anesa, 2013). The importance of using forensic linguistics is when many linguists are selected for participation in the court. By using their knowledge and professionalism, linguists can offer opinions that can be considered as evidence. Forensic linguists are interested in understanding linguistic law, its complexity and its origin, and also the use of language in forensic procedures. They also study the judicial process from point of arrest, and through the interview, charge, trial and sentencing stages (Ariani et al., 2014).

The topics in forensic linguistics are diverse. One of the fields of forensic linguistics is the language of legal text, which includes research of types of texts and forms of analysis (Luh, Seri, & Tan, 2016). Olsson (2004) argues that literally any text or spoken language can be forensic text. This type of text can be a thesis, a telephone message, a ransom note or any other threat message or even a suicide note. These forensic linguistic evidences can be used in criminal interrogations or submitted as a proof in a court.

A study conducted by Correa (2013) said that many cases in a court used telephone text messages as linguistic evidence. For example, in the case of Danielle Jones, a girl who disappeared in 2001. In identifying possible kidnapper and murderer of a girl, a linguist used two messages that have she sent to her uncle before the event occurs. In this case, a linguist compared some of the text files that the girl possessed before disappearance with the last text that clarified the case. Having conducted by linguistic analysis based on the available evidence, the interrogators were able to conclude that she did not write it herself, which means that there were others claims to be herself with a certain mode (this refers to her uncle).

Based on the above example, it can be seen that the result of the forensic linguistic analysis in a text proves that the rules of linguistic analysis based on scientific mechanisms approach can be applied to reveal the meaning behind legal language. In addition, a linguist as an expert has the obligation of assisting a judge in giving a court decision on a legal case, in which a linguist must refer to the ethics of an expert and also the rules and conditions of an expert in order for opinion and everything to be reported from the results of his analysis can be trusted and accountable.

C. POLICE INTERROGATION

It is commonly known that police interrogation is the main investigate approach by the police to obtain a confession to a crime (Evans, 2010; Baldwin, 1993). The main function of the interrogation process is also integrated with other objectives such as resolving other related crimes, finding stolen items, and exonerating innocent people (Moston & Engelberg, 1993).

A research conducted by Pearse & Gudjonsson (1996) who tried to highlight the recording of police suspects interrogations in London found that the main purpose of the interrogation is to trace what happened and find out if a crime has sufficient evidence or not. But in many cases, confession is the primary goal of the interrogators, not information.

The interrogation process, similar to the process of arrest, is one of a tool in which prisoners face extremely high risks of arbitrary or abuse of authority. In places where the occurrence of police in investigating criminal actions is weak, the risk of police officers for arbitrary treatment is higher. The clarity of procedures on how to properly interrogate is the most reliable security measure.

In most cases, the interrogation process will be carried out if the information obtained by the interrogator is necessary to interrogate the suspect, and this is the proper procedure (Verhoeven, 2016). Police interrogation will be conducted to ensure that the suspect's involvement in a crime. As mentioned by Leahy & Bull (2017) in many cases, the suspect was not given the opportunity to defend their accusations. In other words, the suspected should be doing an acknowledgement of a case, although the suspected does not necessarily do it.

D. THE ROLES OF FORENSIC LINGUISTICS IN POLICE INTERROGATION

Forensic linguistics involves the topics of the language of judges, lawyers, witnesses, criminals, and civil cases (Fielding, 2013). Forensic linguistics includes the analysis of written and spoken language for legal purposes (Office & Court, 2015). Some forms of forensic linguistic evidence are consistently used in criminal courts, such as text, email and chat analysis have been conducted to present clear evidence in a court (Lisina, 2013).

As observation by Määttä (2015), interviews become one of the steps being taken by law enforcement agencies in solving criminal cases that can cause several problems. It's related to the explicit and implicit meaning presence of written texts. This study highlighted on the service of an interpreter and found that the points of view of the interpreter, sociolinguistics and interpreting studies can be an excellent source of knowledge in reading this case. Therefore, in interpreting a text it should highlight the construction of the language thoroughly. It is because each type of document has a different structure and context.

Linguistic principles such as discourse analysis or speech analysis, language theory and speech act theory will be used by the forensic linguists to give their opinions in a court (Ramezani, Sani, & Moghadam, 2016). The contribution of a linguist is very helpful for the interrogators in understanding an acknowledgment or interpreting a statement that might have meant lost unconsciously (Correa, 2013). In addressing conflict of crime and linguistic data, a study by Kredens (2016) found that the interrogators showed an understanding of the interpreter's analysis. Based on this study, the interpreter and the interrogators have the same goals, such as the success of communication. Most of the interpreters will be

asked for their analysis by the police in resolving the cases that involve a language in several crimes faced by suspects.

Forensic linguistics had been used to identify many linguistic problems in police interrogations (Shuy, 2011). A central issue in forensic linguistics is the role of linguists in helping the court to seek hidden meanings and then draw the correct conclusions (Rajamanickam & Rahim, 2013). The main point in this section is the authority to decide a case is the right of a police, the responsibility of a linguist is only to give opinions on important matters related to the language analysis.

In Indonesia, language has an important key in the legal system. The investigator shall inform the suspect clearly and use a language that can be understood by the suspects about what suspected (Doringin, 2014). The description of the investigation and including the use of language in the process of investigation is contained in the Criminal Code Procedure, in Chapter XIV (Investigation) Part Two of the "Investigation", including Articles 106 to 136, regulates a number of investigator's obligations in investigative the suspect. The point here is interrogation consist of question and answer form to the suspect.

E. FORENSIC LINGUISTICS IN POLICE INTERROGATION

Studies of police interrogations often try to understand how the police in the interrogation is caused by a confession (Leo, 2013). An investigation of the interrogator's coordination and verbal behaviour of the suspect during interrogation has been conducted by Richardson, Taylor, Snook, Conchie, & Bennell, (2014). This study highlights the significant role of forensic linguistics to extract information because parts of the information arising from such discourse can be used in court. The accuracy of the language used in an interrogation determines the innocence or guilt of a suspect. Hirsch (2014) argued that measuring the suspect's language and response to verbal cues can be done through the interrogation process in order to assess of innocence and guilt of a suspect.

A study by Goodman-delahunty & Martschuk (2018) about the skill and experience of the language used by interpreters has an important key to a successful interrogation. The data were collected by semi-structured interviews to describe the experience and understanding of the interview conducted by the interpreter. The results show that the interpreter changes the dynamics of the interview and determines the advantages of using an interpreter. A point that can be raised is the role of the linguist is needed to interpret the statement and make it more accurately. This process contributes to the success of the interrogation process in order to gain clear information.

Studies on forensic linguistics in police interrogations world-wide have revealed that scientific linguistic knowledge had a larger role in the formulation of criminal cases (Elek, 2016). Continuous research has been conducted to address the purposes of police officers in doing an interrogation. As mentioned by Franken (2008) the duty of the police is to verify the findings that occur in the courtroom. As a result, paperwork that has been completed in the investigation stage would be used to the verification process. This is an important criterion for the police to decide whether the accused is telling the truth, and whether the suspect's story is consistent.

The importance of police communicative skills in persuading the suspects to tell the truth, becomes a key issue police (Bartels, 2011). In criminal law, a process of questions proposed by police to suspected aims to seek a solution of a crime. If the police fail or neglect to give this process, the questions and answers are not acceptable as an evidence at the trial or hearing of the arrested person. This condition that makes the information gained during the interrogation process has nuances of ambiguous.

IV.   CONCLUSION

Forensic linguists can present their opinions in two forms. First, the expert opinion is explained qualitatively based on facts and data. One technique that can be taken is to use a semantic scale. Second, linguistic opinion is presented using statistical techniques in the form of mathematical probabilities. Broadly speaking, the linguistic evidence that can be presented by forensic linguists involves all linguistic levels ranging from phonetics, morphology, syntax, to discourse analysis.

An investigation is a process to find out a corroborating evidence of a crime and find out the suspect. In conducting the investigation process, the investigators use their authorities in obtaining a clear evidence or data. The service of an interpreter and found that the points of view of the interpreter, sociolinguistics and interpreting studies can be an excellent source of knowledge in reading this case. Therefore, in interpreting

a text it should highlight the construction of the language thoroughly. It is because each type of document has a different structure and context.

V.   ACKNOWLEDGMENT

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